

## **REMARKS**

### **Claims in the Application.**

Claims 1-31 and 33-37 were pending in the present application. Claims 1-31 and 33-37 have been rejected. The Examiner has objected to Claims 1-31. Claims 1-37 have been canceled. Claims 38-86 have been added.

In light of the amendment and following remarks, Applicant respectfully submits that the active claims of this application are in a condition for Allowance and Notice to that effect is earnestly solicited.

### **Objection to the Specification.**

The Examiner has objected to the Abstract because of informalities. The replacement paragraph for the Abstract addresses these informalities. Reconsideration is respectfully requested.

### **Objection to Claims 1-31.**

The Examiner has objected to Claims 1-31 for informalities in Claims 1, 9, 17, and 32. Claims 1, 9, 17, and 32 have been canceled. The newly added Claims 38-86 address the informalities. Applicant respectfully requests reconsideration.

### **Rejection of the Claims under 35 U.S.C. § 112, First Paragraph.**

The Examiner has rejected the claims as being indefinite and failing to conform with U.S. practice. Claims 1-37 have been canceled. The newly added Claims 38-86 are written to be definite and conform with U.S. Practice. Reconsideration is respectfully requested.

### **Rejection of Claims 1-8, 10-12, 16-27, and 33-37 under 35 U.S.C. § 102.**

The Examiner has rejected Claims 1-8, 10-12, 16-27, and 33-37 under 35 U.S.C. § 102(e) by citing U.S. Patent No. 6,360,102 ("*Havinis*"). As a preliminary matter, Claims 1-37 have been canceled, but the following addresses *Havinis* in light of newly added Claims 38-86. To

anticipate a claim, a prior art reference must disclose every limitation of the claimed invention either explicitly or inherently. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997).

The Examiner's citation to Col. 5, ll. 39-45 for this disclosure is improper. *Havinis* does not anticipate the claims of the present invention because *Havinis* does not disclose or teach maintaining the user-specific data of user of a service access point (SAP) in a first database, and maintaining the service data of service in a second database or provide a list of services based on the published user-specified data determined in the second database. This requirement is found in each of the independent Claims 38, 58, and 81. Each additional claim pending depends thereto. Accordingly, reconsideration is respectfully requested.

**Rejection of Claims 9 under 35 U.S.C. § 103(a).**

The Examiner has rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Havinis* in view of U.S. Patent No. 6,192,412 ("*Baxter*"). As a preliminary matter, Claims 1-37 have been canceled, but the following addresses *Baxter* in light of newly added Claims 38-86. For the following reasons, this Rejection is respectfully traversed. A prior art reference may be considered to teach away when "a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994).

*Baxter* fails to correct the deficiencies noted in the teaching of *Havinis*. *Baxter* also fails to teach maintaining the user-specific data of user of a service access point (SAP) in a first database, and maintaining the service data of service in a second database or provide a list of services based on the published user-specified data determined in the second database. Therefore, because *Baxter* cannot cure the deficiencies of *Havinis*, reconsideration is respectfully requested.

**Rejection of Claims 13-15, 28, and 30-31 under 35 U.S.C. § 103(a).**

The Examiner has rejected Claims 13-15, 28, and 30-31 under 35 U.S.C. § 103(a) as being unpatentable over *Havinis*. For the reasons discussed above with regard to the anticipation

of the claims, *Havinis* fails to teach elements of every claim pending in the present application. This Rejection is respectfully traversed.

### **CONCLUSION**

For the stated reasons, reconsideration is respectfully requested. The Commissioner is hereby authorized to charge or credit the Deposit Account No. 12-1322 of Locke Liddell & Sapp LLP under Order No. 017341-00030. In light of the foregoing remarks, the claims of the application have been distinguished over the cited references. The Examiner is requested to contact the undersigned at (713) 226-1218 should he deem it necessary to advance the prosecution of this application.

Respectfully submitted,



Steven S. Boyd  
Registration No. 42,353

DATED: November 24, 2004

**LOCKE LIDDELL & SAPP LLP**  
600 Travis, Suite 3400  
Houston, Texas 77002-3095  
Telephone No.: (713) 226-1218  
Facsimile No.: (713) 223-3717

### **CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence with the supporting Exhibits was mailed by first class mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26<sup>th</sup> day of November, 2004.



Steven S. Boyd  
Registration No. 42,353

DATED: November 24, 2004